

# Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

3028 E. Main

Cañon City, CO 81212

OFFICE:

PROJECT NUMBER: DOI-BLM-CO-200-2013-083 DN

CASEFILE: RIPS #050019

PROPOSED ACTION TITLE/TYPE: Two Creek Spring Development

LOCATION/LEGAL DESCRIPTION: Colorado, Fremont County, New Mexico Principle Meridian, T. 50 N., R. 11 E., sec. 6, Lot 10.

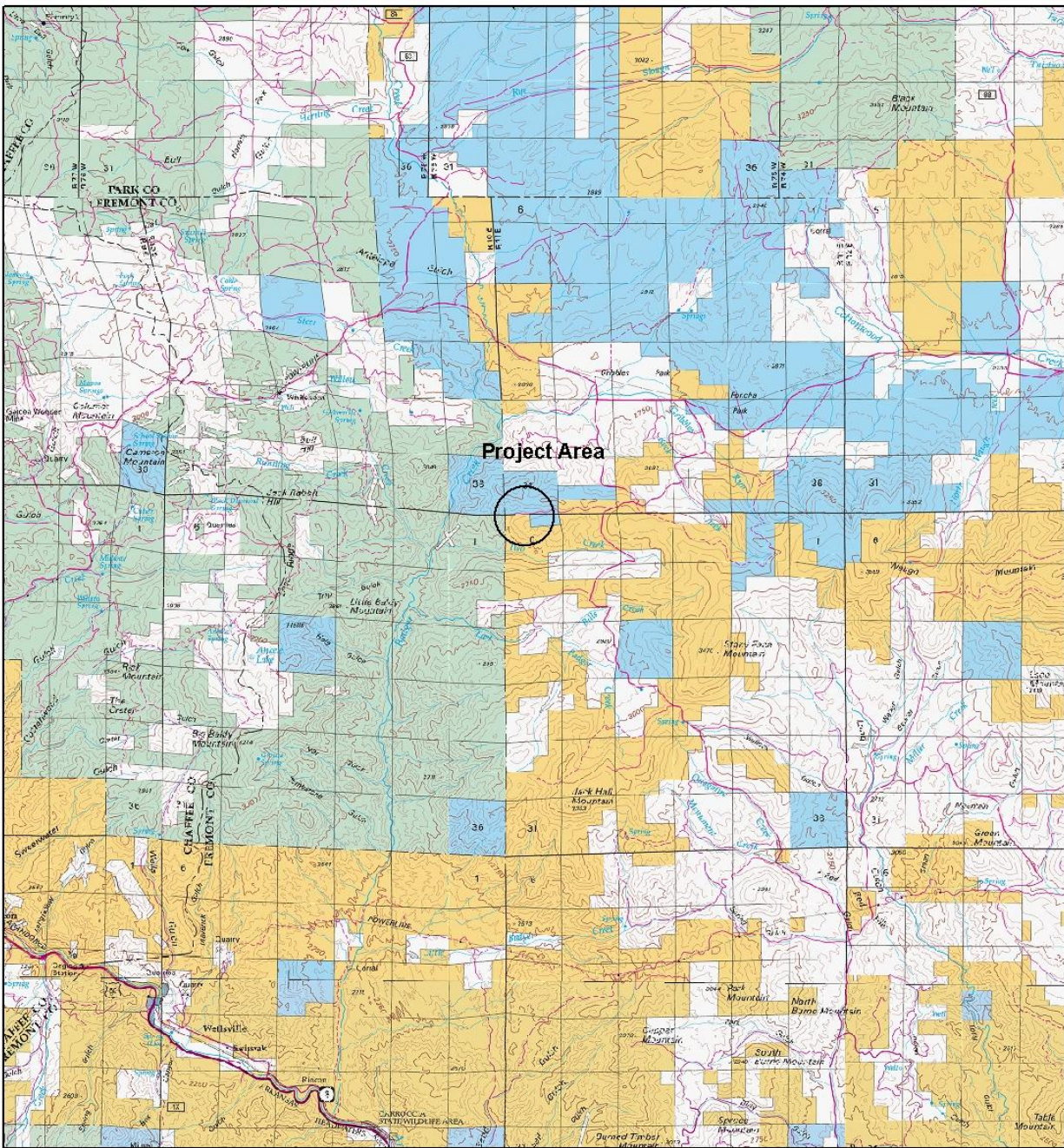
APPLICANT: BLM

## **A. Description of the Proposed Action and any applicable mitigation measures**

The proposed action is to abandon an existing spring development and develop a new spring at a different location. The new location serves as a better source for livestock use and promotes distribution on the allotment.

The new development consists of constructing an infiltration water collection system within the new spring source, buried pipeline, and placement of a rubber tire stock tank. The water collection system would consist of a shallow horizontal drain made from perforated pipe approximately 8 feet in length which is laid below the water table and collects sub-surface water from the spring. The total excavated area for the spring is four feet wide by ten feet long by three feet deep. Water is gravity fed through 200 feet of buried pipeline to the stock tank. The pipeline consists of 1 ½ inch poly pipe that is buried 8 to 12 inches below the natural grade surface. The stock tank consists of one ten foot diameter tire tank permanently placed on level graded ground. A wildlife escape ramp would be placed in the tank. The stock tank would contain an overflow pipe redirecting overflow water back to the adjacent drainage. The overflow pipe would be approximately twenty feet in length and buried 8 to 12 inches. The water flow to the tank would be shut off during the winter months by a buried control valve. Excavation will be done with a rubber tire back hoe and some trees would need to be removed for access to the spring source and pipeline. The new spring source would be fenced to keep livestock out of the spring area. The fencing would consist of buck and rail utilizing the trees removed for machinery access. Construction for this project is planned for August 2013.

The existing spring development located further down drainage would be abandoned by removing the old metal tanks, exposed pipeline and remnant fencing.



### Legend

- BLM
- State
- USFS
- Private

## Two Creek Spring Development

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0 0.5 1 2 3 4 Miles











**NOTE TO MAP USERS**  
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.





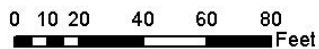
**Legend**

-  Spring Source
-  Pipeline
-  Stock Tank
-  Temporary Access
-  BLM
-  State
-  USFS
-  Private

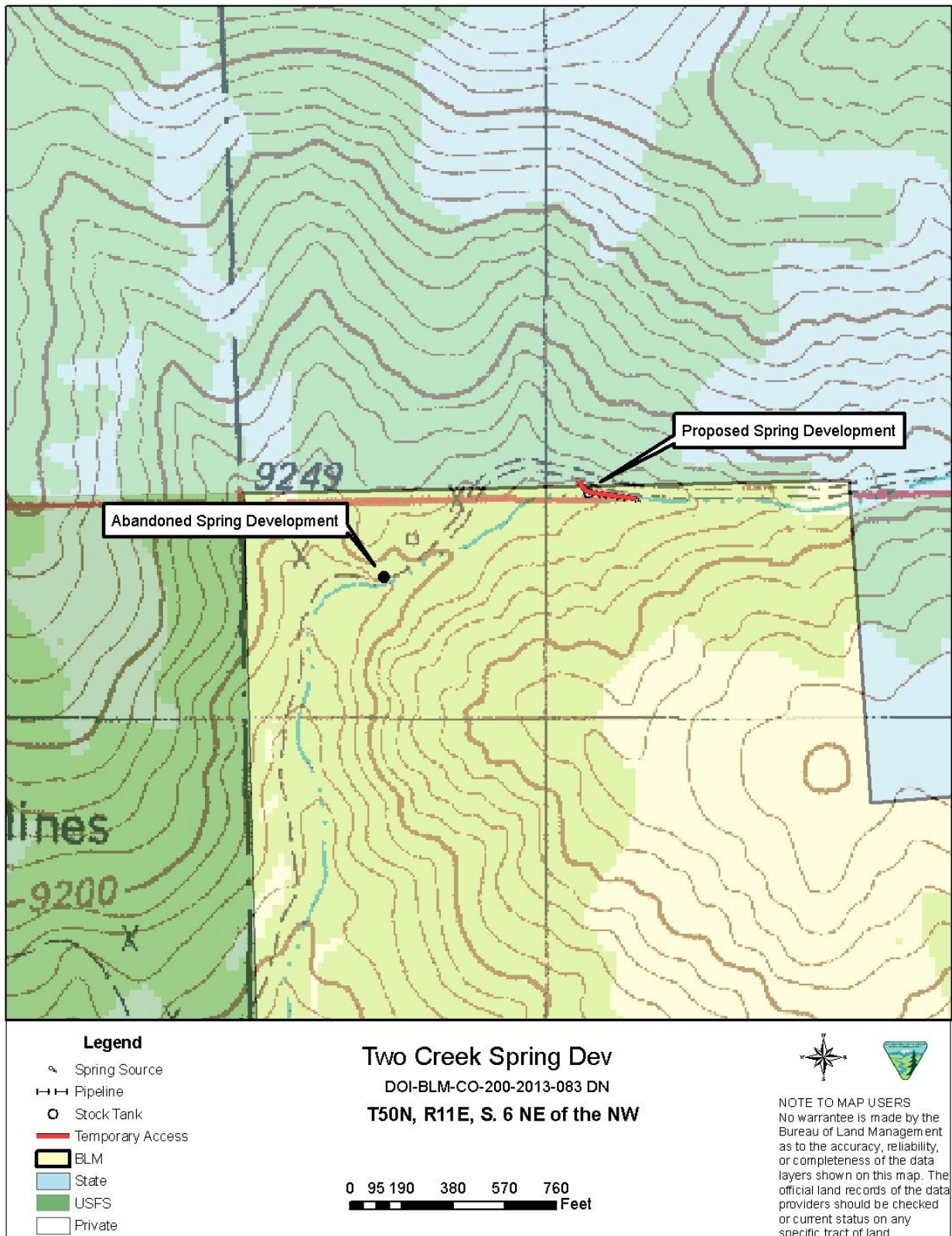
**Two Creek Spring Dev**

DOI-BLM-CO-200-2013-083 DN

**T50N, R11E, S. 6 NE of the NW**



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## **B. Land Use Plan (LUP) Conformance**

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/1996
Other Document	Date Approved
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

C-38, Continue to construct range improvements on an as needed basis.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

CO-200-2009-0061EA Gribble Park Allotment Grazing Renewal September 29, 2009

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessment 2009

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The Royal Gorge Field Office Resource Management Plan (RGFO RMP) states that “BLM will continue to construct range improvement projects on an as needed basis. BLM will complete NEPA documentation on each project as needed.” The RMP analyzed the Royal Gorge Field Office area and grazing allotments therein. This project is located within the Royal Gorge Field Office. There are no other differences. The grazing renewal EA covers the site specific allotment.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. The RGFO RMP contained four management alternatives, and these are identified as: 1) the Existing Management Alternative, which was a continuation of previous management practices of a mixed level of resource management, utilization and protection; 2) the Resource Conservation Alternative, emphasized resource conservation, providing increased protection for natural resources; 3) the Resource Utilization Alternative provided for utilization, production and development of the natural resources; and 4) the Preferred Alternative that emphasized resource conservation but with moderate levels of development and resource utilization.

The alternatives analyzed in the grazing renewal EA for the Gribble Park Allotment included: the Proposed Action which analyzed the allotment, the allotment schedule, terms & conditions, and issued the permit for ten years, the alternative action which analyzed the allotment, but allowed for more flexibility in the grazing schedule, and the No Grazing Alternative.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

The RMP was concluded in 1996 and the permit renewal EA was done in 2009. There is no new information or issues that would change what was analyzed in the existing NEPA documents.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

The RMP decision provided for grazing allotment range improvement projects. The current action, analyzed in the 2009 grazing renewal EA, provides project area analysis and examination of direct, indirect and cumulative impacts. This DNA ensures that the specialists have reviewed and provided remarks below regarding impacts from the proposed action.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

The views and concerns of the public were actively solicited during the planning process of the RMP and EA.

**E. Persons/Agencies /BLM Staff Consulted**

<b>INTERDISCIPLINARY TEAM REVIEW</b>			
<b>NAME</b>	<b>TITLE</b>	<b>AREA OF RESPONSIBILITY</b>	<b>Initials/date</b>
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 7/23/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 7/22/13
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	-----
John Lamman	Range Management Spec.	Weeds	JL, 07/16/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG 7/16/13
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	-----
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 7/23/2013
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 7/18/13
Ty Webb	Prescribed Fire Specialist	Air Quality	mw for TW 7/18/13
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 8/12/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 7/22/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 7/22/13
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw 7/18/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT 7/24/2013
Vera Matthews	Realty Specialist	Realty	VM, 8/9/2013
Steve Craddock	Realty Specialist	Realty	n/a
Bob Hurley	Fire Management Officer	Fire Management	n/a
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	n/a
Bob Hurley	Fire Management Officer	Fire	n/a

Other Agency Represented: None

**REMARKS:**

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-13-179 (P)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Riparian resources: This spring has been developed several times down in an ephemeral wash, likely originally in conjunction with supporting cabin development. Storms have washed over and damaged past haphazard efforts by various groups. This BLM development places infrastructure on a slope away from the drainage preventing it from washing out and protective fencing at the seep source will allow the trampled area to begin to recover. Making this spring dependable will offer an alternative livestock water source to that of Two Creek lessening utilization of riparian resource there.

Wastes, Hazardous or Solid: If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan.

Lands and Realty: The proposed relocation of the springs is on BLM lands that have never left Federal ownership. There is a road that runs east/west across the State parcel to the north that comes directly to the spring. This road is a RS-2477 county road, serial number COC-44142 when it crosses BLM in New Mexico Principle Meridian, T. 51 N., R. 11 E., sec. 33. The roads across State property ties in with are Fremont County Road 12, Fremont County road 11, and BLM 5760. There are no other BLM authorizations in this area, and access authorization is required across State lands. This land located in New Mexico Principle Meridian, T. 51 N., R. 11 E., sec. 31., was patented to the State of Colorado with patent number 1116935 reserving ditches and canals and all minerals to the Federal Government. Matsche Guide Service has a road access permit on this road, and Everett Land & Cattle Company as the State Agricultural lessee has the



right to be in this area because they have a lease with the State of Colorado. The public can access the property for wildlife purposes as per the Colorado Parks and Wildlife guidelines only, because it is in the public access program. Other access purposes need additional authorization.

MITIGATION: None

## CONCLUSION

### DOI-BLM-CO-200-2013-0083 DN

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Jeff Williams

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K. S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL:

/s/ Keith E. Berger  
Keith E. Berger, Field Manager

DATE: 8/27/13

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.